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ABSTRACT

This handbook defines and describes Title IX of the Education Amendments of 1972, with an emphasis on how the regulation affects employment practices in educational institutions. The first section of the handbook describes Title IX in general, what it is, why it is necessary, how compliance is defined, what types of programs it covers, what types of programs are exempted, and the responsibilities of State education agencies in terms of equal opportunity. The second section presents guidelines for employment interviews and transfer and promotion policy. (MK)

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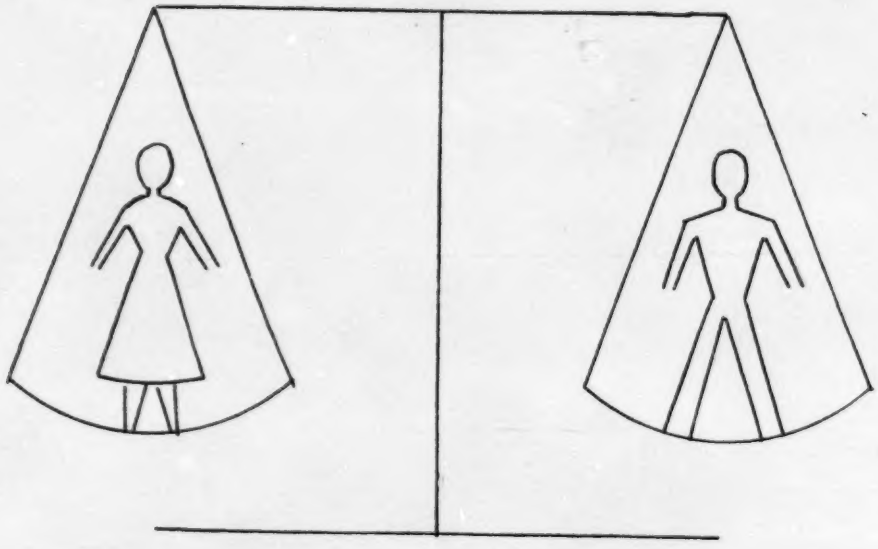
WHAT IS TITLE IX?



AN OVERVIEW OF THE FEDERAL REGULATIONS

AND GUIDELINES FOR EMPLOYMENT TECHNIQUES

Prepared and Distributed by:

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TITLE IX

I. WHAT IS TITLE IX?

Federal Regulation Title IX of the Education Amendments of 1972 states:

> "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

Although the law was passed by Congress in 1972, the regulations were not issued in final form until 1975 and became effective July 21, 1975.

II. WHY IS IT NECESSARY?

Although Title IX prohibits discrimination on the basis of sex against any female or male, it has been historically true that females have been and continue to be discriminated against because of their sex at every level of the educational process including employment. With the ever increasing participation of females in the national workforce, past discriminatory practices in the educational system have resulted in a widening disparity of wages earned between men and women.

III. WHAT DOES IT DO?

In order to assure that no one is discriminated against on the basis of sex by any educational agency, institution, or recipient of federal funds, Title IX specifies several actions which each institution must complete by specific dates to be in compliance with the law. These are:

By October 19, 1975

- Designate an employee to be responsible for Title IX.
- Develop and publish a complaint or grievance procedure for students and employees.

. Notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, units of collective bargaining agreements, recruitment and referral sources for appointment and admission - of the intent to comply with Title IX.

- the essence of Title IX

- the person responsible for Title IX

- the procedure for complaints

By July 21, 1976

. Instititional evaluation completed and on file, including policy modifications and plans for remedial action.

. Remedial steps undertaken

. Assurance Form 639 A filed with Office of Civil Rights, Department of Health, Education, and Welfare

. Compliance achieved in all areas with the exception of athletic and physical education programs in secondary and post-secondary institutions. Elementary athletic and physical education programs must be in compliance as of this date.

By July 21, 1978

. Athletic and physical education programs of secondary and post-secondary institutions are to be in full compliance with Title IX.

. All remedial actions identified in the institutional self-evaluation must be completed.

The three-year transition period for achieving compliance as outlined above is now ended. As of July 21, 1978, all educational programs receiving federal financial assistance are required to be in full and complete compliance with all aspects of Title IX of the Education Amendments.

IV. COVERAGES

Title IX applies to all educational programs receiving federal funds from pre-kindergarten through graduate school with particular emphasis on:

Admissions - No otherwise qualified student can be rejected on the basis of sex.

Counseling - Materials and appraisal methods must be free from sex bias and stereotyping. Course enrollments must be reviewed for disproportionate numbers of one sex and corrective action implemented.

Athletics - Equal opportunities for physical education and athletic programs must be available to students of both sexes.

Employment - Applications, personnel policies, procedures, including placement, salary, promotional and termination benefit practices must be analyzed and continually monitored to assure equal opportunity for both sexes. Remedial steps must be undertaken to correct inequities.

V. EXEMPTIONS

1. Admissions to

   - undergraduate private colleges.
   - public undergratuate educational institutions which have always been single sex.
   - pre-school, elementary, and secondary school unless they are vocational. If so, they are not exempt. Public elementary and secondary schools must admit everyone - even those schools exempted from the admissions requirement must comply with Title IX requirements governing the treatment of students who have been admitted.

2. Educational institutions with Religious Affiliations who have filed and received an exemption from the OCR.

3. Training schools for U.S. Military Services or Merchant Marine.

4. Membership practices of certain single-sex Youth Service Organizations such as Girl and Boy Scouts, YWCA and YMCA.

5. Membership practices of university based social sororities and fraternities.

6. Sex stereotyping in textbooks and curriculum materials.

VI. WHAT ARE THE RESPONSIBILITIES OF THE STATE EDUCATION AGENCY?

As the recipient of federal educational financial assistance, it is the responsibility of the state education agency to assure that each local education agency is in compliance with the requirements of Title IX. If any area is identified as a non-compliance area, the state education

agency must notify the local education agency and recommend solutions to the problem.

As defined by the Policy, Planning and Research Department of the Office of Civil Rights:

> "...the SEA has the obligation to assure itself that the LEAs are in compliance with Title IX. Where discrimination is identified it is the responsibility of the SEA to take all reasonable steps to insure that this identified discrimination ceases to exist. Such steps, at a minimum, should include informing the LEA of the identified discriminatory practice and providing the Office of Civil Rights with all information relevant to the situation..."

THE PENALTY FOR NOT COMPLYING WITH THE LAW IS LOSS OF FEDERAL FUNDS.

* * * * *

For more information, resource material, or technical assistance in resolving problems or developing programs to achieve sex equity in your school, contact:

Sex Equity Specialist
Equal Opportunities Unit
Rhode Island Department of Education
22 Hayes Street
Providence RI 02908

(401) 277-2648

INFORMATIONAL GUIDELINES FOR INTERVIEWS ON
EMPLOYMENT, TRANSFER, AND PROMOTIONS

The following general and specific guidelines are representative examples of types of questions and statements to be used in applicant selection procedures.

Although these have been developed with specific emphasis on the requirements of Title IX, which prohibits discrimination on the basis of sex, any similar or other questions which may cause an adverse effect because of one's race, age, ethnic origin, culture, color, or handicap, or any other condition which is unrelated to the requirements of the position may not be applied.

In addition, if personal information is volunteered by the applicant which is unrelated to the requirements of the position - this information must not be used as a factor in screening out from consideration these candidates.

GUIDELINES FOR
EMPLOYMENT - TRANSFER - PROMOTION

General

Any question asked, test administered, or any other criterion applied in an interview for employment, transfer, or promotion must:

- clearly relate to a requirement of the position sought

- have no adverse effect on any person on the basis of sex, race, national origin, etc.

- be applied to all applicants, regardless of sex, race, national origin, etc.

Specific

- Factual description of the job duties, both pleasant and unpleasant, should be given to all applicants, both male and female, and the qualified applicant must be left to decide for himself or herself, whether the job is a suitable or desirable one for him or her. (This guideline must apply to all positions unless specifically exempted.)

- Interviewers must not under any circumstances inquire into the marital status of an applicant for employment, including whether such applicant is Miss or Mrs.

- No applicant should be discouraged from applying for any position on the basis of sex, race, or national origin, etc.

- Interviewers shall not inquire into the following areas in an interview for employment, transfer, or promotion:

  a. parental or family status
  b. whether the applicant is the head of a household
  c. pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

Guidelines for Selection of Persons to Interview from a Group of Applicants

- Informally identify the criteria which will be applied to the selection of persons to be interviewed.

- Determine that the criteria applied to not disproportionately affect persons on the basis of sex, race, or national origin, etc.

- Determine that the criteria applied are related to job performance and educationally administratively defensible, i.e., that the criteria are reasonable.

- Insure that the criteria used are equally applied to members of both sexes.

The obligation to comply with Federal regulations is not alleviated by any state or local law, or school board policy.

Examples of Illegal Interviewing Techniques

If you are an employer, don't ask or say:

Do you have small children at home?
Are you married?
Do you plan to marry?
Do you plan to have children?
What will you do with your child while you are at work?
Are you pregnant?
Have you ever had a pregnancy terminated?
Do you think you could do a man's job?
I'm looking for a female secretary/"gal Friday."
I'm looking for a male custodian.
You don't want to do this kind of job.

Examples of Permissible Interviewing Techniques

Instead ask or say:

Do you have any personal obligations which are likely to interfere with your responsibilities in this position as I have described them to you?

Do you understand the requirements for this position will frequently require that you return to work evenings and weekends?

Do you understand that this position requires considerable physical strength and stamina (describe), *and that a certain level of production will be expected of you?* ... Be specific. (If this question is asked of any candidate, it must be asked of all candidates.)

I'll be happy to take your application for employment. (Make your decision on the basis of qualification.)

Additional information regarding
sex-fair employment practices and procedures
in public education may be obtained from:

Sex Equity Specialist
Equal Opportunities Unit
Rhode Island Department of Education
22 Hayes Street
Providence RI 02908
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